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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,967	08/30/1999	KUNIHIRO YAMAMOTO	862.2991	8547

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EXAMINER

PATEL, KANJIBHAI B

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/384,967

Applicant(s)
KUNIHIRO YAMAMOTO ET AL.

Examiner
Kanji Patel

Art Unit
2625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 26, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-8, 10, 13-17, 19-38, and 50-54 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 10, 13-17, 19-38, and 50-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Response to Amendment

1. Applicant's response filed 11/26/02 (Paper No. 7/A) has been entered.

Applicant's arguments with respect to claims 1, 10, 19, 20, 29 and 38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, or (2) a patent granted on an application for patent by another filed in the United State before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application designated the United States and was published under Article 21 (2) of such treaty in the English language.

Claims 1, 4-8, 10, 13-17, 19-38 and 50-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al. (US 5,915,250).

For claims 1, 10 and 19, Jain et al. provide an image search apparatus (at least figure 1) for searching an image database (132) for desired image data, said image database storing a plurality of image data in correspondence image feature amounts (at least 204, 206 in figure 3 correspond to features; each feature amount such as color is adjustable using slide buttons; column 7 line 56 to column 8 line 8;) for each of the image data, comprising:

display means for displaying a plurality of image data (180 in figure 2, 200 in figure 3 and figure 4 provides display for a plurality of image data);

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selection means (108 and 110 in figure 1A; column 10, lines 44-67) for selecting image data designated by a user (102 in figure 1A) from the plurality of image data;

image feature amount computing means (column 11, lines 4-59; column 4, lines 4-10; at least computed feature vector corresponds to a feature amount) for computing an image feature amount of the image data selected by said selection means;

image similarity computing means (column 12 line 48 to column 13 line 3; similarity score or similarity using similarity distance is combined with weights to form a final score or maximum similarity as explained at column 12 line 48 to column 13 line 3; see also column 4, lines 20-46 and column 9, lines 53-64) for computing image similarity on the basis of the image feature amount computed by said image feature amount computing means, and the image feature amounts of the image data stored in said image database.

For claims 4 and 13, Jain et al. provide the apparatus wherein said image display means displays image data randomly (column 4, lines 1-4; column 7, lines 62-65) selected from the image data stored in said image database.

For claims 5 and 14, Jain et al. provide the apparatus wherein said image display means (figures 2-4) displays designated image data of the image data stored in said image database (132 in figure 1A) .

For claims 6 and 15, Jain et al. provide the apparatus wherein said image display means comprises search means (see 'search criteria' in figure 3) for searching for desired image data by designating attribute information (column 11, lines 4-21) appended to the image data, and when a

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search is made by said search means, said image display means displays a list of image data (figure 4) found by the search of said search means.

For claims 7 and 16, Jain et al. provide the apparatus wherein the attribute information is a keyword (column 11, lines 12-21).

For claims 8 and 17, Jain et al. provide the apparatus wherein the attribute information is at least one of dates of creation, management, and modification of image data (column 11, lines 12-21).

For claims 20, 29 and 38, Jain et al provide an image search apparatus (figure 1) for searching an image database (132 in figure 1A) for desired image data, said image database storing a plurality of image data in correspondence with image feature amounts (at least 204, 206 in figure 3 correspond to features; each feature amount is adjustable using slide buttons) for each of the image data, comprising:

display means for displaying (at least 180 in figure 2 and 200 in figure 3 provides display) a drawing area (182 in figure 2, 202 in figure 3 and 224 in figure 4 provide drawing area) for drawing handwritten information (column 2, lines 44-67; painting /drawing tools and more specifically pens are used to insert handwritten information), and plurality of image data searched on the basis of the handwritten information drawn in the drawing area;

selection means for selecting color information of image data (204 and 206 in figure 3 provide selection of color information) designated by a user (102 in figure 1A) from the plurality of image data;

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image feature amount computing means (column 11, lines 4-39; column 4, lines 4-10; at least computed feature vector corresponds to a feature amount) for computing an image feature amount of the image having the color information selected by said selection means;

image similarity computing means (column 12 line 48 to column 13 line 3; similarity score or similarity using similarity distance is combined with weights to form a final score or maximum similarity as explained at column 12 line 48 to column 13 line 3; see also column 4, lines 20-46 and column 9, lines 53-64) for computing image similarity on the basis of the image feature amount computed by said image feature amount computing means, and the image feature amounts of the image data stored in said image database;

For claims 21 and 30, Jain et al. provide the apparatus wherein the color information is selected by indicating one pixel in the image data (column 6, lines 23-25).

For claims 22 and 31, Jain et al. provide the apparatus wherein the color information is selected by indicating a predetermined region in the image data (column 11, lines 12-39).

For claims 23 and 32, Jain et al. provide the apparatus wherein the color information designated by indicating the predetermined region is an average value of pixel values (column 22, lines 18-22) contained in the small region.

For claims 24 and 33, Jain et al. provide the apparatus wherein the color information is selected on the basis of image data to be displayed by said display means (figures 3-4).

For claims 25 and 34, Jain et al. provide the apparatus wherein color information is selected on the basis of image data which corresponds to image data displayed by said display means (figures 2-4), and is stored in said image database.

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For claims 26 and 35, Jain et al. provide the apparatus wherein the color information is selected on the basis of an image drawn on the drawing area (182 in figure 2, 202 in figure 3 and 224 in figure 4 provide drawing area).

For claims 27 and 36, Jain et al. provide the apparatus wherein said image feature amount computing means computes the image feature amount of the drawn image every time the image in the drawing area is modified (column 11, lines 4-39; column 4, lines 4-10).

For claims 28 and 37, Jain et al. provide the apparatus further comprising display control means for controlling to display the drawing area (figures 2-3) within a display window displayed by said display means.

For claim 50, Jain et al. provide the apparatus wherein said image data selected by said selection means is copied in a drawing area (figure 5B);

said image similarity computing means (column 12 line 48 to column 13 line 3; column 4, lines 20-46; column 9, lines 53-64; figure 6) computes image similarity on the basis of an image feature amount, computed by said image feature amount computing means, of the image data copied in the drawing area, and the image feature amounts of the image data stored in said image database.

For claim 51, Jain et al. provide the apparatus further comprising modifying means for modifying the image data (column 21, lines 17-19) copied in the drawing area;

said image similarity computing means (column 12 line 48 to column 13 line 3; column 4, lines 20-46; column 9, lines 53-64; figure 6) computes image similarity on the basis of an image feature amount, computed by said image feature amount computing means, of the image data

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modified by said modifying means, and the image feature amounts of the image data stored in said image database.

For claim 52, Jain et al. provide the apparatus wherein said plurality of image data displayed by said display means is displayed on the basis of image similarity computed by said image similarity computing means (figure 4; 288 in figure 5B).

For claim 53, Jain et al. provide the apparatus wherein said drawing area and said plurality of image data are displayed in the same window (figures 3-4).

For claim 54, Jain et al. provide the apparatus wherein said drawing area draws handwritten information input by a user ((column 2, lines 44-76; pens are used for handwritten information; 102 in figure 1A).

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Other prior art cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haikin (US 5,508,718) discloses an objective-based color selection system.

Shiiyama et al. (US 6,247,009 B1) discloses an image processing with searching of image data.

Lee (US 6,345,275 B2) discloses an apparatus and method for retrieving image information in computer.

Niblack et al. (US 6,182,069 B1) discloses a video query system and method.

Barber et al. (US 5,751,286) discloses an image query system and method.

Shiiyama (US 6,400,853 B1) discloses an image retrieval apparatus and method

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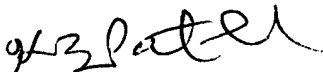
Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kanji Patel** whose telephone number is (703) 305-4011. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 6:30 p.m. Friday off.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, **Mehta, Bhavesh**, can be reached on (703) 308-5246.

Any inquiry of general nature or relating to the status of this application should be directed to the **Group receptionist** whose telephone number is (703) 305-4700.

The **Fax number** for this group is (703) 872-9314.



Kanji Patel
Patent Examiner
Group Art Unit 2625
February 7, 2003